

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1901 of 2020**

**In  
CRIMINAL MISCELLANEOUS No.56474 of 2019**

Arising Out of PS. Case No.-106 Year-2019 Thana- GAYA MUFASIL District- Gaya

KUNAL KUMAR @ MUKHIYA S/o Dayanand Prasad Resident of Village-  
Sohaipur, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Vinod Kumar,Adv

For the Respondent/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR  
ORAL ORDER**

7      09-03-2021

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 08.07.2019 in B.P. No.131 of 2019 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Mufassil Police Station Case No.106 of 2019 registered under Sections 376(D) of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of commission of gang rape is against the FIR named six accused person.

Submission is that the appellant is not named in the FIR. He is in custody since 30.03.2019.



In the statement under Section 164 Cr.P.C., the victim stated that she was only assaulted by Sonu and Bugesh. Thereafter, she fell unconscious and she does not know what happened with her.

Since the appellant is not named in the FIR rather name of the rapist alongwith the parentage is disclosed in the FIR, hence let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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